



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT  
VS  
AEROSPACE METALS, INC.

IN THE MATTER OF A CONSENT ORDER BETWEEN THE COMMISSIONER OF ENVIRONMENTAL PROTECTION AND AEROSPACE METALS, INC.

CONSENT ORDER

WHEREAS, the Commissioner of Environmental Protection (hereinafter "the Commissioner") is charged with the responsibility of protecting the environment of the state from pollution.

WHEREAS, AEROSPACE METALS, INC. (hereinafter "AMI") maintains a place of business at 500 Flatbush Avenue in the City of Hartford.

WHEREAS, AMI maintains a discharge of oil bearing stormwaters as described in NPDES permit No. CT0001171, issued by the Commissioner on July 10, 1980.

WHEREAS, the Commissioner has determined that some of the the present methods of scrap metal processing and ancillary operations at AMI, including oil bearing stormwater retention and separation facilities, do not adequately protect against pollution of the waters of the State.

WHEREAS, AMI emphatically denies it has violated any applicable statute or regulation or water discharge permits issued to it by the DEP.

WHEREAS, the Commissioner and AMI desire to protect the environment and avoid prolonged litigation.

NOW THEREFORE, it is hereby agreed that:

- 1) The Commissioner has jurisdiction of the subject matter herein and of the parties consenting hereto under Sections 22a-6, 22a-424, 22a-430, 22a-431 and 22a-432 of the Connecticut General Statutes.
- 2) AMI by agreeing to the issuance of this consent order waives any further right it may have for an appeal on the subject of this consent order.
- 3) AMI is hereby ordered to:
  - A) Identify and implement revised materials recycling procedures and facilities which will minimize or eliminate the discharge of oily wastes to groundwaters or surface waters. Such procedures and facilities to be evaluated shall include but not be limited to removal of oil from scrap metals prior to outside storage, utilization of leak proof storage containers and/or the construction of weather protected or segregated/contained scrap metal storage areas.

Phone:

165 Capitol Avenue • Hartford, Connecticut 06106

An Equal Opportunity Employer

- B) Evaluate the effectiveness of all existing oil contaminated stormwater runoff controls and maintenance procedures and modify, upgrade and/or replace such facilities and procedures so as to minimize the quantities of oil being discharged from the AMI storm drainage system.
  - C) After securing the permission of the affected property owner(s), investigate the extent and degree of off-site soil and groundwater contamination resulting from scrap metal processing operations at 500 Flatbush Avenue, Hartford which is causing or has the potential to migrate and contribute to the pollution of any tributary surface waters.
  - D) Pursuant to paragraph 3C above, undertake all necessary remedial actions to minimize or eliminate the soil and groundwater contamination resulting from such practices and, if necessary, implement a groundwater quality monitoring program.
  - E) Forfeit to the State of Connecticut the sum of thirty thousand dollars (\$30,000). Said forfeiture shall be made payable to the Department of Environmental Protection.
  - F) For failure to comply with the schedule set forth in Paragraph (4) below, forfeit to the State of Connecticut the sum of \$500 dollars per day of delay in meeting each step, unless the Commissioner of Environmental Protection has extended the schedule in accordance with Paragraphs 8 or 9 below.
- 4) AMI agrees to undertake the actions described in paragraph 3 above in accordance with the following schedule:
- A) On or before 120 days after the execution of this consent order, submit for the review and approval of the Commissioner an engineering report which addresses the requirements of paragraphs 3A and 3B above. The report shall also include a proposed timetable for the design and construction of any new, improved or modified facilities or implementation of procedures as approved by the Commissioner.
  - B) On or before 60 days after the execution of this consent order, submit for the review and approval of the Commissioner a scope of study report which describes the investigation necessary to comply with paragraphs 3C and 3D above and which includes, as required, the proposed location and depths of groundwater wells, soil and surface water sampling locations, and proposed sampling and analytic program.
  - C) On or before 210 days following the Commissioner's approval of the scope of study required in step 4(B) above, submit for the review and approval of the Commissioner a comprehensive hydrogeological and engineering report which defines the extent and degree of off-site soil and groundwater contamination and establishes, as necessary, a specific remedial action plan and groundwater quality monitoring program and a proposed schedule



for its implementation. Pursuant to this requirement, AMI shall notify the Commissioner in writing at such time that permission to conduct the necessary investigation is obtained from the affected property owner(s).

- D) On or before 30 days after the execution of this consent order, submit the forfeiture described in paragraph 3(E) to the Commissioner.
- 5) The Commissioner shall utilize her best efforts to complete all actions as are necessary to reissue NPDES permit No. CT0001171 as expeditiously as possible. Such permit shall be modified to reduce the discharge limit for oil and grease (defined as the sum of all floating and water soluble oils) from 40 mg/l to 25 mg/l. Further, said permit shall, by reference, require AMI to comply with specific best management practices and controls ( or "BMP" plan as approved by the Commissioner pursuant to paragraph 4(A) above) in order to minimize the discharge of contaminants to designated stormwater outfalls. Failure on the part of AMI to comply with any of the provisions of the approved BMP plan shall be considered an enforceable violation of the permit. In establishing this BMP plan the Commissioner shall consider circumstances unique to the operations of AMI which may preclude its ability to completely eliminate the discharge of trace amounts of pollutants to the waters of the state.
- 6) If any document required to be submitted to the Commissioner pursuant to this Consent Order is disapproved by the Commissioner, it shall be resubmitted, with the deficiencies corrected, within 30 days of receipt of notice of disapproval. No penalty under paragraph 3(F) shall be assessed until the Commissioner disapproves a revised document or, if a revised document is not submitted, after 30 days from the first notice of disapproval.
- 7) The Commissioner may at any time take any and all legal, administrative, equitable or other action as provided by the Connecticut General Statutes, as amended, or the Regulations of Connecticut State Agencies, as amended, or otherwise provided by law, in order to prevent or abate pollution or if AMI fails to comply with the provisions of this Consent Order.
- 8) In the event any circumstance arises where the timely completion of any compliance date specified herein is jeopardized, AMI shall immediately inform the Commissioner and shall take all reasonable steps to ensure that any such delay is minimized. The Commissioner may, by written statement, allow additional time for compliance with any step of this Consent Order if, for reasons beyond the control of AMI and despite its good faith efforts, AMI is unable to meet a compliance date set forth herein. The Commissioner shall not be unreasonable in her determination of what constitutes just cause for allowing such additional time.

- 9) This Consent Order may be modified for cause upon the written consent of the parties, except that the Commissioner may allow additional time for compliance in accordance with paragraph 8.
- 10) The undersigned certify that they are fully authorized by the party or parties they represent to enter into the terms and conditions of this Consent Order and to bind legally the party or parties accordingly.
- 11) The terms of this Consent Order shall apply to and be binding upon the parties hereto and their successors and assigns.
- 12) All penalties to be paid in accordance with this Consent Order shall be by bank or certified check payable to the Connecticut Department of Environmental Protection, and shall reference the Consent Order No. found below and delivered to:

James F. Grier  
Principal Sanitary Engineer  
Water Compliance Unit  
Department of Environmental Protection  
122 Washington Street  
Hartford, Connecticut 06106

AMI shall notify the Commissioner in writing immediately upon becoming aware that any part of the schedule in this order will or may not be met, indicating the reasons therefor and the anticipated dates by which compliance will be achieved.

Failure to comply with this order subjects the recipient to penalties and injunction under appropriate sections of the Connecticut General Statutes.

Entered as a consent order of the Commissioner of Environmental Protection on this

*16th of February, 1990*

*Leslie Carothers*  
Leslie Carothers  
Commissioner

AMI hereby consents to the entry of this consent order without further notice.

By *[Signature]*  
Its duly authorized agent

SENT ORDER NO. WC 4921  
CITY OF HARTFORD  
DISCHARGE CODE A  
DEP/WPC - 064-096  
LAND RECORDS

SENT CERTIFIED MAIL -RRR  
MAILED TO: AEROSPACE METALS, INC.  
500 FLATBUSH AVENUE  
HARTFORD, CT 06106  
ATTN: MR. RAYMOND H. NOEKER



RECOMMENDED ENFORCEMENT ACTION SUMMARY

Facility:

Aerospace Metals Inc.  
500 Flatbush Avenue  
Hartford, Ct 06106  
Attn: Eugene Klein, Manager of Research and Development

Nature of Problem/Violation:

Aerospace Metals, Inc. (AMI) operates a scrap metal salvage and reprocessing operation on a 30-acre site on Flatbush Avenue in Hartford. Most of the scrap metal received (e.g. titanium turnings, etc.) is contaminated with a lubricant (i.e. oil or water-soluble coolant) which if not stored and handled properly, can result in oil contamination of soil, groundwater and surface waters as stormwater runoff. Past efforts to control the release of oily wastewaters by use of oil/water separators and containment basins and booms have been only marginally effective.

Action Proposed:

- |  |  |
|--|--|
| <input type="checkbox"/> Referral to Attorney General Office     | <input type="checkbox"/> Pollution Abatement Order |
| <input type="checkbox"/> Withdrawal from Attorney General Office | <input type="checkbox"/> Water Supply Order        |
| <input type="checkbox"/> Criminal Referral                       | <input checked="" type="checkbox"/> Consent Order  |
| <input type="checkbox"/> Cease and Desist Order                  | <input type="checkbox"/> Order Modification        |
| <input checked="" type="checkbox"/> Civil Penalty                |  |

Justification for Enforcement Action Proposed:

Recent inspections by DEP Water Compliance staff and certain admissions by AMI personnel indicated that approved, proper procedures have not been adequately maintained (e.g. improper outside storage of metals contaminated with water soluble oils) which has resulted in pollution to soil, groundwaters and surface waters. The Department has determined that the only effective, long-term solution for abating this chronic problem will involve a major change in the materials handling procedures which are employed in the scrapyard.

Relief Sought:

- |   |  |
|---|--|
| <input type="checkbox"/> Permanent Injunction | <input checked="" type="checkbox"/> Forfeiture |
| <input type="checkbox"/> Temporary Injunction |  |

Anticipated Controversy:

The Department has on past occasions received citizen complaints regarding the poor appearance of soils and storm drainage at the AMI scrapyard. In addition, both the Emergency Spills Response Unit of DEP and the regional EPA office in Boston have expressed concern over conditions at this facility.

past Compliance History:

- Order No. 776 issued to Suisman & Blumenthal (predecessor to AMI) on 1/20/69; full compliance acknowledged by Subsection (c) NPDES permit issued on 7/10/80.
- Order No. 3677 issued to Suisman & Blumenthal on 2/6/84 requiring study and remediation of PCB-contaminated soils in scrapyards.

Prepared by:

James F. Grier  
Principal Sanitary Engineer  
Water Compliance Unit  
Extension 7139  
122 Washington Street, Hartford, CT